

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

DOUGLAS C. BROFFORD,

Petitioner/Movant,

v.

CIVIL ACTION NO. 3:04-0462
(Criminal No. 3:93-00162-01)

UNITED STATES OF AMERICA,

Respondent.

ORDER

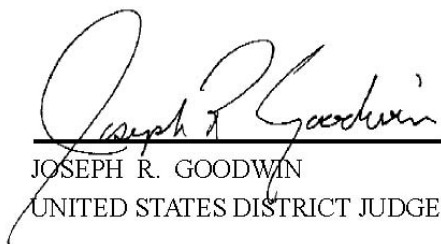
Pending before the court is the petitioner's Motion for Modification of Sentence pursuant to 18 U.S.C. § 3582 [Docket 168]. This action was referred to the Honorable Maurice G. Taylor, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the court deny the petitioner's motion. Neither party filed objections to the Magistrate Judge's findings and recommendation.

The failure of a party to object to a Magistrate's findings and recommendation constitutes a waiver of *de novo* review by the district court and a waiver of appellate review by the circuit court of appeals. *Thomas v. Arn*, 474 U.S. 140 (1985); *Snyder v. Ridenour*, 889 F.2d 1363 (4th Cir. 1989); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984). Nevertheless, the district court should not accept a Magistrate Judge's recommendation that contains an error of law apparent on its face. *Camby v. Lester*, 718 F.2d 198, 199-200 (4th Cir. 1983). Having reviewed the Magistrate Judge's findings and recommendation, the court **FINDS** no

errors of law therein. Accordingly, the court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge, and **DENIES** the petitioner's motion.

The court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Taylor, counsel of record, and any unrepresented party.

ENTER: February 9, 2007



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE